

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

In the Matter of)	
)	
Level 3 Communications, LLC's Petition for Arbitration)	04-0428
Pursuant to Section 252(c) of the Communications Act of)	
1934, as amended by the Telecommunications Act of 1996,)	
and the Applicable State Laws for Rates, Terms, and)	
Conditions of Interconnection with Illinois Bell Telephone)	
Company d/b/a SBC Illinois)	

SBC ILLINOIS' DISPUTED FACT LIST

Pursuant to the Order of the Administrative Law Judge ("ALJ") issued September 10, 2004, Illinois Bell Telephone Company ("SBC Illinois") hereby submits its list of material disputed facts. This list is, pursuant to the Order, prepared only for the purpose of establishing the boundaries of cross-examination at the hearing. It is not intended to, and does not in any way, constitute agreement by SBC Illinois that facts other than those listed here are agreed to. Moreover, SBC Illinois reserves the right to identify additional material disputed facts that may be alleged in rebuttal testimony submitted by Level 3 in response to Staff's testimony. In accordance with the ALJ's directions, this list does not include disputed matters of law and policy. The disputed facts are organized by subject matter.

A. Single Point Of Interconnection ("SPOI")

1. Would multiple points of interconnection in a LATA place an undue burden on Level 3, for example, by requiring it to build out a ubiquitous network?
2. Does a multiple-point network disallow the CLEC the efficiencies SBC Illinois has built into the network for its own use, or otherwise fail to represent an appropriate balance of costs between the incumbent and the CLEC?
3. What is the extent of Level 3's multiple point network in Illinois today?

4. What network considerations would justify de-commissioning an active point of interconnection?
5. Does the possibility of network failure mean that a SPOI architecture is preferable?
6. From an economic efficiency standpoint, is a single POI network in the best interest of SBC Illinois?
7. Is there costs of providing transport (i.e., is there a cost differential based on distance)?

B. Trunking To Each Tandem In A LATA

1. Will Level 3 provision a direct trunk group to each tandem when Level 3's traffic to that tandem requires a full DS1? (ITR 4 and 10).
2. Will the lack of Level 3 mass calling trunks potentially harm the PSTN? (NIM Issue 6).

C. Combining Local And Access Traffic On The Same Trunks

1. Would SBC Illinois' proposal to maintain separate trunks put Level 3 at a competitive disadvantage to other carriers, or would it require Level 3 to operate in a manner that SBC Illinois does not operate?
2. Does Level 3 hand off to SBC Illinois for termination traffic that originates and terminates in different exchanges (i.e., access traffic)?
3. Does SBC Illinois combine local and access traffic on a single trunk group? (e.g., Gates at 33; Hunt at 46).
4. Does SBC Illinois disadvantage *itself* by requesting that traffic be placed on separate trunk groups?
5. Have the parties established separate trunk groups for "local" and "access" today?
6. Can the parties accurately distinguish between "local" and "access" traffic for billing purposes without separate trunks for each type of traffic?
7. Would a separate trunk group requirement cause Level 3 to build separate networks or otherwise impose unreasonable inefficiencies?
8. Can "local" traffic be adequately distinguished from "access" traffic for billing purposes if all the traffic is mixed on a single trunk group?

9. Can SBC Illinois “local” tandems efficiently handle “toll” traffic if Level 3 sends mixed traffic to that SBC tandem?

D. Internet Enabled Traffic

1. Over what facilities does Level 3 route IP-Enabled traffic for termination today?
2. Does Level 3 send traffic to SBC Illinois for termination over access trunks?
3. What is the volume (in minutes of use) of IP Enabled services traffic (as defined by Level 3 itself) that Level 3 hands off to SBC Illinois?
4. What is the volume (in minutes of use) of traffic originated on the networks of CMRS, cable telephony and CLEC carriers that Level 3 hands off to SBC Illinois for termination?
5. Who are Level 3’s customers, what type of traffic do they hand off to Level 3 and how much traffic do they generate?
6. Has SBC Illinois “fully recovered the cost of its network” such that in position of access charges would be “over recovery” of costs?
7. How much VoIP traffic is there today, and what is the projection for future growth?
8. Do the voice calls terminated by SBC Illinois undergo a “net protocol conversion”?

E. Inter-carrier Compensation

1. Does Level 3’s definition of “IP-Enabled service” include the “IP in the middle” traffic addressed by the ICC in its Order on AT&T’s declaratory ruling? If not, does Level 3 treat this traffic differently than “IP Enabled service”, e.g., does it route it over access trunks as appropriate?
2. Is Level 3 placed at any competitive disadvantage vis a vis circuit switch providers if it is required to pay access charges on interexchange traffic?

F. Physical And Virtual Collocation

Physical and Virtual Collocation Issues 1

1. Does SBC Illinois’ proposed language for Issues PC-1 and VC-1 preclude Level 3 from taking advantage of SBC Illinois’ voluntary offerings that are made available to other companies or offerings made available through tariffs because of applicable law?

2. Does Level 3's proposed language for Issues PC-1 and VC-1 merely incorporate and acknowledge the existence of events which may result in a change in Applicable Law?

Physical Collocation and Virtual Collocation Issues 2

1. Would the language proposed by SBC Illinois' position on Issues PC-2 and VC-2 impact Level 3's ability to compete and provide services to its customers?
2. Would SBC Illinois' position on Issues PC-2 and VC-2 provide SBC Illinois with discretion to deny Level 3 the right to collocate equipment which Level 3 is entitled to collocate under the terms of the ICA?
3. Without the language proposed by SBC Illinois for Issues PC-2 and VC-2, does the agreement provide adequate safeguards to SBC in the event of a dispute as to whether a Level 3 request to collocate equipment satisfies the requirements of the ICA?
4. Does SBC Illinois' proposed language for Issues PC-2 and VC-2 create ambiguity with respect to the proper level of safety standards?
5. Does SBC's proposed language for Issues PC-2 and VC-2 represent a departure from the language in the prior agreement and practice under that agreement? Is SBC's proposed language more onerous than the language of the prior agreement?

Physical Collocation No. 3

1. Is SBC Illinois' dispute resolution process, and its escrow provisions, for the Physical Collocation Appendix overly complex?
2. Does SBC Illinois' proposed language require Level 3 to know of and dispute any billing errors within a 30-day time period?

Respectfully submitted,

ILLINOIS BELL TELEPHONE COMPANY

One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Mark R. Ortlieb, an attorney, certify that a copy of the foregoing **SBC ILLINOIS'**
DISPUTED FACT LIST was served on the parties on the attached service list by U.S. Mail
and/or electronic transmission on October 14, 2004.

Mark R. Ortlieb

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